

United States District Court

FILING

NORTHERN

FILED

DISTRICT OF

CALIFORNIA

2007 JUN 19 P 3:40

UNITED STATES OF AMERICA

V.

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

CRIMINAL COMPLAINT

Adeliado TORRES-Torres

07 70356 PVT

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, June 5, 2007, in Santa Clara County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

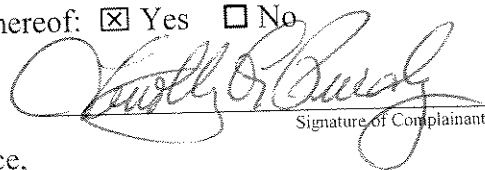
in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:


ASSISTANT UNITED STATES ATTORNEY
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

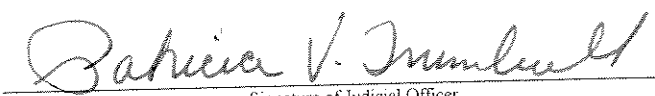
Sworn to before me and subscribed in my presence,

6/19/07
Date

at

San Jose, California
City and State

Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer


Signature of Judicial Officer

RE: Adeliado TORRES-Torres**A92 834 364**

I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Adeliado TORRES-Torres {AKA Mono Torres & Michael Ruiz}, is a 37 year-old married male whose DOB is currently understood to be 12/16/1971. He is a citizen and native of Mexico substantiated by multiple statements made to that effect by the DEFENDANT in an interview that was initiated on June 5, 2007 at Solidad State Prison by ICE Immigration Enforcement Agent (IEA) Cesar Umali of the San Jose, California DRO Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A92 834 364, FBI number of 623760NA8, and California Criminal State ID Number of A08493310;
- (3) On August 14, 1995, the DEFENDANT was convicted in the Superior Court of California/County of Kern, for the offense of POSSESSION OF NARCOTICS A CONTROLLED SUBSTANCE, a felony, in violation of California Health and Safety Code Section 11377(A), and was sentenced to one year and four months in state prison;
- (4) On April 30, 1997, the DEFENDANT was convicted in the Superior Court of California/County of Kern, for the offense of RECEIVING STOLEN PROPERTY, a misdemeanor, in violation of California Penal Code Section 496(A), and was sentenced to two years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(G);
- (5) On December 30, 1998, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. Immigration EOIR Court Los Angeles, CA and ordered deported from the United States to Mexico;
- (6) On March 21, 2001, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director Camarillo, CA and ordered deported from the United States to Mexico;

RE: Adeliado TORRES-Torres

A92 834 364


I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Adeliado TORRES-Torres {AKA Mono Torres & Michael Ruiz}, is a 37 year-old married male whose DOB is currently understood to be 12/16/1971. He is a citizen and native of Mexico substantiated by multiple statements made to that effect by the DEFENDANT in an interview that was initiated on June 5, 2007 at Solidaridad State Prison by ICE Immigration Enforcement Agent (IEA) Cesar Umali of the San Jose, California DRO Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A92 834 364, FBI number of 623760NA8, and California Criminal State ID Number of A08493310;
- (3) On August 14, 1995, the DEFENDANT was convicted in the Superior Court of California/County of Kern, for the offense of POSSESSION OF NARCOTICS A CONTROLLED SUBSTANCE, a felony, in violation of California Health and Safety Code Section 11377(A), and was sentenced to one year and four months in state prison;
- (4) On April 30, 1997, the DEFENDANT was convicted in the Superior Court of California/County of Kern, for the offense of RECEIVING STOLEN PROPERTY, a misdemeanor, in violation of California Penal Code Section 496(A), and was sentenced to two years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(G);
- (5) On December 30, 1998, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. Immigration EOIR Court Los Angeles, CA and ordered deported from the United States to Mexico;
- (6) On March 21, 2001, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director Camarillo, CA and ordered deported from the United States to Mexico;

Adeliado TORRES-Torres

A92 834 364

- (7) On January 25, 2005, the DEFENDANT was convicted in the Superior Court of California/County of Solano, for the offense of POSSESSION WITH INTENT TO MANUFACTURE METHAMPHETAMINES, a felony, in violation of California Health and Safety Code Section 11383(C) (1), and was sentenced to five in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(B);
- (8) On, June 5, 2007, the Defendant was encountered by IEA Cesar Umali, at Solidad State Prison, and determined to be unlawfully present in the United States after a prior deportation. IEA Umali the DEFENDANT of his Miranda rights in the English language. DEFENDANT waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States;
- (9) The DEFENDANT'S official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (10) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 19 day of June, 2007



Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE